



**Ninety-Eighth Legislature - First Session - 2003**  
**Committee Statement**  
**LB 534**

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**Hearing Date:** February 10, 2003

**Committee On:** Education

**Introducer(s):** (Erdman)

**Title:** Provide for public school participation and part-time enrollment for certain students

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**Roll Call Vote – Final Committee Action:**

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

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**Vote Results:**

7	Yes	Senators McDonald, Byars, Bourne, Raikes, Stuhr, Maxwell, Schrock
0	No	
0	Present, not voting	
1	Absent	Senator Brashear

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**Proponents:**

Senator Phil Erdman  
Dan Heunefeld  
Charlene Murphy  
Mary Heitkamp  
Michele Brown  
Benton Choquette  
Lisa Choquette  
Jeff Downing  
Dave Bydalek  
Doug Lagemeier  
Rieta Greenwell

**Representing:**

Introducer  
Parent  
Student  
Parent  
Student  
Student  
Parent  
Parent  
Parent  
Parent  
Parent

**Opponents:**

Jim Tenopir  
Larry Ramaekers

**Representing:**

Nebraska School Activities Association  
Aurora Public Schools

**Neutral:**

Elizabeth Eynon-Kokrda  
David Lostroh

**Representing:**

Omaha Public Schools  
Nebraska Christian Home Education Association

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**Summary of purpose and/or changes:**

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Legislative Bill 534 would authorize the enrollment of exempt students on a part-time basis in a public school in the resident district. Exempt student would be defined as a student enrolled in a private, denominational, or parochial school which elects not to meet state accreditation or approval requirements.

On or before August 1, 2004, school boards would be required to adopt policies and procedures to ensure that exempt students would be accepted in the same manner to academic courses or programs and are furnished with instructional materials on the same basis as full-time students.

The policies and procedures would:

1. Require information to be provided to inquiring parents or students concerning the availability of part-time enrollment. The information would be required to include procedures and registration deadlines. If the resident district does not operate a school in the appropriate grades for the student, information would be given on how to contact neighboring districts that accept tuition students from the resident district;
2. Apply the same enrollment procedures and deadlines to exempt students that apply to full-time students;
3. Specify enrollment capacity limits that the school board will apply to particular academic courses or grade levels. The capacity limits would need to apply equally to both exempt and full-time students;
4. Establish criteria to determine whether exempt students are eligible for integrated courses and courses that have prerequisites. Prerequisite requirements would need to apply equally to both exempt and full-time students. Exempt students could be required to provide reasonable indications that academic criteria have been met, including results from achievement tests, as long as both exempt and full-time students are required to meet the same prerequisites; and
5. Establish informal and expeditious processes to appeal request denials for part-time enrollment.

Exempt students would also be eligible to participate in or try out for co-curricular or extracurricular activities in the resident district or district for which the resident district is required to pay tuition. A right to participate in any activity is explicitly not conferred by this provision. Exempt students would be required to demonstrate compliance with insurance, physical examination, age, transfer, and other requirements on the same basis as full-time students.

Also on or before August 1, 2004, school boards would be required to adopt policies and procedures to ensure that exempt students are accepted into activities or tryouts without being required to enroll as a part-time student. The policies and procedures would:

1. Require the district to provide information regarding the eligibility of exempt students to participate in co-curricular or extracurricular activities. The information would be required to include procedures and registration deadlines;
2. Apply the same registration deadlines to exempt students that apply to full-time students;
3. Apply the same academic eligibility requirements to both exempt and full-time students. Parents of exempt students may be required to provide assurances that the school district's academic eligibility standards are being met. The assurances may be

required at the same intervals during the year for both exempt and full-time students. The assurances would be sufficient to satisfy academic eligibility requirements.

Any full-time student who opts to become an exempt student or whose domicile changes shall remain ineligible to participate in co-curricular and extracurricular activities for a period of 90 days. An informal and expeditious procedure to appeal request denials would be required.

Sections 43-2007, 77-2704.12, 79-1603, 79-1604, 79-1605, 79-1606, and 79-1607 would be amended by including the new provisions in references to sections providing for exempt schools. The reference in section 43-2007 is added to a reporting requirement for exempt schools. The reference in section 77-2704.12 is added to a sales and use tax exemption for exempt schools. The reference in section 79-1603 is added to a provision construing the referenced sections so as not to interfere with religious instruction. The reference in section 79-1604 is added to a provision regarding the owner or governing board of a school. The reference in section 79-1605 is added to provisions for the inspection of exempt schools. The reference in section 79-1606 is added to provisions for schools failing to comply with requirements. The reference in section 79-1607 is added to provisions making it a Class III misdemeanor to violate the referenced sections.

**Explanation of amendments, if any:**

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**Senator Ron Raikes, Chairperson**